UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1992/SR.50
6 April 1992

ENGLISH
Original: FRENCH

COMMISSION ON HUMAN RIGHTS

Forty-eighth session

SUMMARY RECORD OF THE 50th MEETING
(FIRST PART*)

Held at the Palais des Nations, Geneva,
on Monday, 2 March 1992, at 3 p.m.

Chairman: Mr. SOLT (Hungary)

later: Mr. ENNACEUR (Tunisia)

CONTENTS

Election of members of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

* The summary records of the second and third parts of the meeting appear as documents E/CN.4/1992/SR.50/Add.1 and 2.

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Commission at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.92-11579/4376B

CONTENTS (continued)

Rights of the child, including:

(a) Status of the Convention on the Rights of the Child

(b) Report of the Special Rapporteur on the sale of children

(c) Programme of action for the elimination of the exploitation of child labour

(d) Draft programme of action for the prevention of the sale of children, child prostitution and child pornography (continued)

Measures to improve the situation and ensure the human rights and dignity of all migrant workers

Advisory services in the field of human rights (continued)

The meeting was called to order at 3.20 p.m.

ELECTION OF MEMBERS OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES (agenda item 23) (E/CN.4/1992/56 and Add.1 to 5)

1. The CHAIRMAN said that the Secretary-General's Note (E/CN.4/1992/56 and Add.1 to 5) contained nominations of candidates of member States to the Sub-Commission and biographical data of candidates. The Commission was invited to elect 13 members of the Sub-Commission and, where necessary, their alternates in accordance with the following pattern: four members from African States; three members from Asian States; two members from Eastern European States; two members from Latin American States; and three members from Western European and other States. The number of candidates from each regional group should not exceed the number of places allotted to that group. If it did, the ballot of the member State in question would not be valid. On the other hand, should there be fewer candidates than places to be filled, article 67 of the Commission's rules of procedure stated that those candidates obtaining in the first ballot a majority of the votes cast and the largest number votes would be elected. If the number of candidates obtaining such majority was less than the number of places to be filled, additional ballots would be held to fill the remaining places.

2. At the invitation of the Chairman, Mr. Walker (Australia), Vice-Chairman of the Commission, and Mrs. Galvis (Colombia), Rapporteur, acted as tellers.

3. A vote was taken by a secret ballot.

Number ballot papers:	52
Invalid ballots:	zero
Number of valid ballots:	52
Abstentions:	zero
Required majority:	27

The results were the following:

AFRICA

Candidate	Member State	Number of votes obtained
Mr. Léonard Assira Engoute	Cameroon	10
Mrs. Yolande Bouah-Tano	Côte d'Ivoire	11
Mr. Ahmed Khalifa	Egypt	37
Mr. Fisseha Yimer	Ethiopia	32
Mrs. Halima Embarek Warzazi	Morocco	38
Mrs. Mohamane Fassoma	Niger	5
Mr. Aidid Abdillai Ilkahanaf	Somalia	29
Mr. Saïd Naceur Ramadhane	Tunisia	34

4. Mr. Khalifa and his alternate Mr. Khalil (Egypt), Mr. Yimer (Ethiopia), Mrs. Warzazi and her alternate Mr. Benkaddour (Morocco) and Mr. Naceur Ramadhane and his alternate Mr. Amor (Tunisia), having obtained the required majority, were elected members of the Sub-Commission for a term of four years.

ASIA

Candidate	Member State	Number of votes obtained
Mr. Muksum-Ul-Hakim	Bangladesh	30
Mr. Abass Safarian	Iran	17
Mr. Ribot Hatano	Japan	41
Mr. Osman El-Hajje	Lebanon	13

5. Mr. Muksum-Ul-Hakim and his alternate Mr. Hossain Khan (Bangladesh) and Mr. Hatano and his alternate Mr. Yokota (Japan), having obtained the required majority, were elected members of the Sub-Commission for a term of four years.

EASTERN EUROPE

Candidate	Member State	Number of votes obtained
Mr. Gáspár Bíró	Hungary	26
Mrs. Anna Michalska	Poland	22
Mr. Ioan Maxim	Romania	30
Mr. Volodymyr Boutkevitch	Ukraine	19

6. Mr. Maxim and his alternate Mr. Gavrilescu (Romania), having obtained the required majority, was elected member of the Sub-Commission for a term of four years.

LATIN AMERICA

Candidate	Member State	Number of votes obtained
Mrs. Clemencia Forero Ucros	Colombia	38
Mrs. Elizabeth Odio-Benito	Costa Rica	15
Mr. Miguel J. Alfonso Martinez	Cuba	35
Mr. Cesar Verduga	Ecuador	12

7. Mrs. Forero Ucros and her alternate Mr. Melo (Colombia) and Mr. Alfonso Martinez and his alternate Mrs. Ferriol Echevarría, having obtained the required majority, were elected members of the Sub-Commission for a term of four years.

WESTERN EUROPE

Candidate	Member State	Number of votes obtained
Mr. Marc Bossuyt	Belgium	45
Mr. Asbjorn	Norway	41
Mrs. Linda Chavez	United States	41

8. Mr. Bossuyt and his alternate Mr. Genot (Belgium), Mr. Eide and his alternate Mr. Helgesen (Norway) and Mrs. Chavez and her alternate Mr. Portman (United States of America), having obtained the required majority, were elected members of the Sub-Commission for a term of four years.

9. A second vote was taken by secret ballot to elect the second of the members of the Sub-Commission from Eastern Europe.

Number of ballot papers:	52
Invalid ballots:	2
Number of ballots:	50
Abstentions:	zero
Required majority:	27

The results were the following:

Candidate	Member State	Number of votes obtained
Mr. Gáspár Bíró	Hungary	20
Mrs. Anna Michalska	Poland	17
Mr. Volodymyr Boutkevitch	Ukraine	12

10. None of the candidates having obtained the required majority, a third vote was taken by secret ballot.

Number of ballot papers:	50
Invalid ballots:	1
Number of ballots:	49
Abstentions:	2
Required majority:	26

The results were the following:

Candidate	Member State	Number of votes obtained
Mr. Gáspár Bíró	Hungary	15
Mrs. Anna Michalska	Poland	17
Mr. Volodymyr Boutkevitch	Ukraine	15

11. None of the candidates having obtained the required majority, a fourth vote will be taken by secret ballot subsequently.

RIGHTS OF THE CHILD, INCLUDING:

(a) STATUS OF THE CONVENTION ON THE RIGHTS OF THE CHILD

(b) REPORT OF THE SPECIAL RAPPORTEUR ON THE SALE OF CHILDREN

(c) PROGRAMME OF ACTION FOR THE ELIMINATION OF THE EXPLOITATION OF CHILD LABOUR

(d) DRAFT PROGRAMME OF ACTION FOR THE PREVENTION OF THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY (agenda item 22) (continued)

(E/CN.4/1992/45, 54, 55 and Add.1, 71, 74; E/CN.4/1992/NGO/5, NGO/14, NGO/32, E/CN.4/1991/51, 41 and Corr.1; CRC/C/7)

12. Mrs. MARTINEZ (Latin American Federation of Associations of Relatives of Disappeared Detainees) observed that, in his report on the status of the Convention on the Rights of the Child (E/CN.4/1992/54), the Secretary-General

had indicated which States had signed, ratified or acceded to the Convention, announced the establishment of the Committee on the Rights of the Child to monitor the Convention, and appealed to States, United Nations bodies and intergovernmental and non-governmental organizations to disseminate information on the Convention and promote its understanding. Those were important developments, and yet the gulf between theory and practice was still great.

13. In Argentina, for example, and to a lesser extent in Chile and Uruguay, the disappearance of children constituted part of the military dictatorship's plan for the repression of opponents. The Argentine Government should make public the documents of the previous regime concerning the repression of the Argentine people and of the many persons of various nationalities who lived in Argentina. In Columbia, two children had been missing since 1982 and two others since the beginning of 1991. The press had also reported the abduction of children in 1991 for purposes of ransom, particularly in Bogotá, and nothing had been done for the orphans whose parents had been abducted, detained or summarily executed. In Guatemala, there were some 250,000 children in that situation, their fundamental rights having been flouted. In Peru, according to the Committee of Relatives of Disappeared Detainees who had taken refuge in Lima, hundreds of children had been abducted and executed, and thousands more were said to be orphans. In the circumstances it was difficult to understand how the President of Peru could have opposed the transfer to the so-called "glass of milk" programme of the $100 million provided for that purpose in the national budget, since the fate of future generations was at stake. In El Salvador as well, thousands of children had been abducted, wounded or murdered, or yet were orphans as a result of the armed conflict being waged there. It was to be hoped that the recently-concluded peace agreement would have the effect of improving their lot. In Haiti, the coup d'état had aggravated the situation of children, many of whom were going hungry or were orphans. The international community should support that country's return to democracy and establish the cooperation that was necessary to protect Haitian children.

14. In Turkey, Kurdish children were living a downright tragedy to which the Association for the Support of Kurdistan Detainees and Martyrs wished to draw attention. In ratifying the Convention on the Rights of the Child, Turkey had entered reservations to articles 17, 19 and 30 which expressly concerned Kurdish children. Notwithstanding the recent statements of the authorities, the existence of a Kurdish people was still not recognized there. In November 1991 a child of 10 had been arrested and beaten by the police simply because the colours of the clothes he was wearing were those of the Kurdish national colours. Nor was it possible any longer to remain indifferent to the suffering caused to children by the economic blockade imposed on Cuba and Iraq. It was impossible to forget that the neo-liberal economic policies imposed by the countries of the North on those of the South and the demands of the International Monetary Fund aggravated major socio-economic problems with all their implications for children. It was time that Governments which religiously repaid their external debt should begin to pay off the domestic debt they had incurred to their people and particularly their children.

15. Mrs. AHMED (General Federation of Arab Women) said that the Federation subscribed to the documents before the Commission concerning the status of the Convention on the Rights of the Child, the programme of action for the elimination of the exploitation of child labour and the question of the sale of children. The Federation was trying, through its national bodies, to persuade countries to accede to the Convention and apply its provisions. For its part, the Committee on the Rights of the Child had rightly emphasized at its first session that priority should be accorded to the rights of the child at the World Conference on Human Rights in 1993. The Federation was also very interested in the programme of action for the elimination of the exploitation of child labour, which was designed to curb a practice that was only too common in the developing countries, and particularly in certain Arab countries.

16. The fundamental rights of children in Arab countries were violated in three ways. First, the Israeli occupation of Palestine and the occupied Arab territories had resulted in hundreds of victims among children. Many pregnant women had also had abortions owing to the ill-treatment they had experienced. Since primary schools were closed in those terrritories, children were deprived of their fundamental right to education. Secondly, economic underdevelopment and political instability gave rise to other abuses. According to statistics published by the United Nations in 1990, the infantile mortality rate had risen to 132 per 1,000 in Somalia, 177 per 1,000 in Djibouti and 108 per 1,000 in Sudan since 1987. It was not enough for a country to accede to a convention; it must apply it as well. The international community should therefore assist the developing countries. Thirdly, the international community sometimes imposed economic sanctions on certain countries, such as Iraq, which had been experiencing an economic blockade since August 1990 and was suffering the consequences of the war waged by the coalition countries. The infantile mortality rate in Iraq had increased by 350 per cent between 1990 and 1991.

17. In the light of those figures, the Federation called upon the international community to do whatever was necessary to improve the living conditions of Arab children throughout the world, and urged the Arab States to respect the commitments they had assumed at the international level.

18. Mr. de SAUSSURE (Foundation for the Rights of the Family - PRODEFA), also speaking on behalf of the International Organization for the Development of Freedom of Education (OIDEL) and the World Movement of Mothers, was pleased to note that the Convention on the Rights of the Child had already been ratified by a large number of countries and that the first meeting of the Committee on the Rights of the Child had already taken place. He recalled that, on the occasion of the World Summit for Children, the vital role of the family in the harmonious development of the child had been emphasized as well as the need for social bodies to respect and support the family. He also recalled that the international community had declared 1994 to be the International Year of the Family with the declared objective of making Governments, officials and the public understand that the family was the natural and basic unit of society.

19. He noted, however, that the international community's declarat on had not been followed up by national decision-making bodies, that family u its were breaking up at an even faster rate, and that it was high time for Governments

to take the bold specific decisions that were necessary. Although the family was the most prized possession of young persons in a number of countries, it had been denigrated by certain ideologists in the western world, and he explained that his organization, together with others, had thought of drafting a universal declaration of the rights of the family, which would include the right to true assistance from the authorities - mainly for families in a difficult situation - the right to protection against any violation of its private nature, the right to a generous and caring social policy and, for children in difficult situations, the right to special attention and the protection of their rights. He accordingly called upon the Commission to consider the possibility of a declaration of that nature, and requested Governments to make specific efforts in three areas, namely, greater protection for the family, namely, in respect of family allowances and maternity leave; special attention to problems encountered by women, namely, in the training and education of mothers, as well as the problems of those who chose to remain at home to bring up their children; and the participation of parents in the elaboration of educational strategies, particularly in the western countries, the State's role being limited to guaranteeing freedoms and equality of opportunity. The family should be protected since a society without families would become a monstrous society, unfeeling and unhappy, and one that PRODEFA would not wish upon its children.

20. Mr. RYDER (International Confederation of Free Trade Unions) said that ICFTU, which was gratified that the Convention on the Rights of the Child had entered into force in September 1990, noted that the International Labour Organisation (ILO) and the Commission on Human Rights had both embarked upon activities to promote the application of its provisions concerning the elimination of child labour, which was of particular interest. ICFTU expected much from the cooperation established between ILO and the Commission. Indeed, article 32 of the Convention, dealing with the protection of the child against exploitation, was compatible with relevant ILO instruments on the same subject which specified a general minimum age.

21. Unfortunately, that objective on which there was unanimity in the international community was still very remote, for the present reality was the massive presence of children at work, and there was a broad consensus that their number, which was difficult to estimate but in any event high, was still growing. Yet the figures were simply the quantitative reflection of the situation and failed to suggest the suffering endured by those children who worked not out of free choice but under forms of duress amounting to slavery. The international trade union movement, which hoped to eradicate that evil, often encountered the argument that child labour amounted to an inevitable and necessary survival strategy in present circumstances, and that it would be better to regulate it until such time as it could be eliminated. He challenged that view, although he recognized that child labour would last as long as poverty persisted. That fact, however, did not justify the rejection of programmes for the elimination of child labour. Indeed, it had to be recognized that child labour was totally ineffective as a strategy in combating poverty and promoting development. Trade unions realized that, while children worked, their parents were unemployed and that people spent their adult lives in idle poverty and their childhoods in debilitating, deforming and degrading labour. The only logic behind such situations was the

logic of exploitation. There was no denying the fact that large numbers of people were not only ready to tolerate - but also to profit from - child labour.

22. ICFTU was trying to identify the exploitative relationships that were often the characteristic of child labour. In some cases they were quite clear, as in the case of the "restaveks" of Haiti, namely, children who were sold to work in domestic service and treated very harshly, or the children employed in Peruvian gold mines, many of whose bodies had been found in 1991 bearing marks indicating the harshness of their living conditions. He also mentioned the cases of Thailand and India, and noted that the latter, which could put an end to the exploitation of child labour simply by applying the legislation in force, was in fact the single largest national employer of children. But rather than dwelling on national situations, it was probably more useful to emphasize the international dimension of the problem. For example, a footwear manufacturing network connected Pakistan, where children manufactured the uppers, to Italy where the shoes were assembled and sold as "crafted in Italy". In that type of situation, it was for GATT to take action by introducing a social clause into international trading arrangements that would have the effect of denying market access to the products of child labour, which was one of the most pernicious forms of child exploitation.

23. The international community should also consider what pressures it could itself exert with its debt relief and structural adjustment programmes which, applied at the cost of social programmes and particularly access to education, were driving children into the world of work. The fact that the growth of the informal sector usually accompanied structural adjustment, that child labour often constituted a significant component of the unprotected informal workforce, and that some decision makers had set the promotion of the informal sector as an explicit objective, aroused further concern among trade unionists who realized that there was a strong current which, inadvertently or not, was tending to increase child labour rather than eliminate it. He was nevertheless sure that, like all trade unionists, participants in the Commission's session would endeavour to attain the basic goal which was trade unionists at work and children in school and at play.

24. Mr. URRUELA PRADO (Observer for Guatemala), speaking in exercise of the right of reply, noted that the International Association for the Defence of Religious Liberty had referred to Guatemala's "street children" in such a way as to suggest that it was badly informed about the initiatives taken in 1991 by the new Government to solve that problem. He explained that the Guatemalan Government had first mobilized the police itself, the public procurator's office, agencies responsible for the coordination of legal matters relating to minors and the specialized agencies subordinate to the President's Office, and had then established direct and close relations with the "Casa Alianza" organization which was dedicated to the protection and defence of children. Mr. Jorge Serrano, President of the Republic, had himself visited that non-governmental organization's headquarters in New York, and his visit had resulted in the signature of a cooperation agreement for the protection of "street children" and unprotected minors who were in an irregular situation. Under that agreement, Casa Alianza assisted the Procurator-General by

notifying any cases of minors who were victims of violence that came to its knowledge, and in return the Procurator-General's Office provided Casa Alianza with the legal support it needed to attain its goals.

25. Casa Alianza's Legal Aid Office and the Government Procurator's Office's agency for minors had, on 31 December 1991, published a joint report on the offences committed against "street children". The report discussed the problems encountered by such children, identified the causes of the evil and described the present situation. It mentioned the 36 cases brought for the violation of the rights of "street children" and the improvement in the behaviour of national police officers towards minors in an irregular situation, notwithstanding a few isolated cases of abusive detention in police premises that could be attributed essentially to ignorance of the law.

26. That report had been issued as an official document of the Commission (E/CN.4/1992/80) and was therefore available to participants who would find in it reliable figures of offences committed against street children as well as a description of the Government's policy. He urged the International Association for the Defence of Religious Liberty to acquaint itself with the document.

27. Mr. ERKMENOGLU (Observer for Turkey), speaking in the exercise of the right of reply, said that the World Organization against Torture and Centre Europe-Tiers monde had alleged that Turkey had violated children's rights, and noted that, in drawing attention to the abuses to which children had been subjected, those organizations had failed to mention the children who had lost their lives as a result of attacks by PKK (Kurdistan Workers' Party) terrorists or the desperate plight of people, including children, who had fled to southern Turkey to escape the atrocities committed against them in northern Iraq. Those two examples alone demonstrated how those organizations had presented a particularly sensitive issue in order to serve their narrow aims. He suggested that those organizations, which had referred to the Helsinki Watch report, should obtain his country's reply from the Turkish delegation.

28. In Turkey, as elsewhere, children were considered to be the future of the country and society made every effort to educate and bring them up as best it could. Any mistreatment of children aroused public indignation, and those responsible were prosecuted. Also as elsewhere, family bonds were the best guarantee of a child's welfare; unfortunately in Turkey, urbanization and the increasing exodus from rural areas had, together with financial difficulties, impaired the family structure and a small number of children were not taken good care of. The problem was therefore basically one of economic development rather than human rights; the non-governmental organizations were aware of the situation. Nor could they be unaware of the fact that it was an extremely serious matter to accuse a country of allowing its children to be tortured, and he wondered whether they had not distorted the problem for political reasons. It was obviously very easy to slander a country by making accusations of that kind in order to discredit it and subsequently exploit its tarnished image. Massacres of Jews in Europe had, for example, been preceded by rumours of their alleged ritual murder of children. Racism took many forms, all more or less conforming to the same pattern, and neo-racism was apparently not more imaginative.

29. Mr. BENHIMA (Observer for Morocco), speaking in exercise of the right of reply, said that once again the Centre Europe-Tiers monde (CETIM), doing the bidding of its masters, had used unfounded information to launch a tendentious campaign against Morocco. CETIM had come up with a strange hotch-potch of ideas and lies in order to divert attention from the situation of the original population of Sahara who were being held against their wishes in Polisario camps at Tindouf.

30. The situation of children was given priority in all Morocco's socio-economic programmes. As a result of an immense effort based on international solidarity, health and education infrastructures had, since 1976, been created throughout the country and particularly in the Saharan provinces. In point of fact it was in the Polisario camps that families were systematically separated so that persons from the Sahara could not return to their homes. The accounts of former Polisario officials who were reaching Morocco by the dozen had revealed what the situation was. Associations had recently been created in Europe to work for the reunification of Sahrawi families detained by Polisario. A complete file on the conditions surrounding the abduction of those families was available to delegations and the non-governmental organizations.

31. He appealed to those organizations to show restraint so as not to disrupt the referendum process that was under way pursuant to Security Council resolution 725 (1991), in which the Council expressed support for the Secretary-General's efforts and welcomed with satisfaction his report (S/23299). The Council would shortly consider a further report by the Secretary-General.

MEASURES TO IMPROVE THE SITUATION AND ENSURE THE HUMAN RIGHTS AND DIGNITY OF ALL MIGRANT WORKERS (agenda item 13) (E/CN.4/1992/38)

32. Mr. MARTENSON (Under-Secretary-General for Human Rights), introducing the item, said that safeguarding the fundamental human rights of migrant workers and their families remained a priority concern of the United Nations and a continuing challenge for all Member States. Athough those workers contributed substantially to the development of society as a whole the deplorable conditions in which they lived and worked were usually overlooked. Moreover, the growing economic disparity between the developed and developing countries and the dramatic changes taking place in the world had given rise to new migratory flows. New human rights problems had also emerged and been exacerbated by resurgent nationalism and xenophobia in many parts of the world.

33. He recalled that the Secretary-General had drawn attention to the situation of migrant workers in the framework of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination. A study on the effects of racial discrimination in the fields of education, training and employment as it affected the children of minorities, and in particular those of migrant workers, would be published later in the year. It was also hoped that sufficient funds would be available to undertake a global survey of the extent to which the children of migrant workers were able to receive education in their mother tongue. The General Assembly's adoption, in 1990, of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families had been a milestone for that highly

vulnerable group, since it constituted the first general reference framework and the first standard for the elaboration of bilateral and multilateral agreements in that sphere. But it was regrettable, as indicated by the Secretary-General in his report (E/CN.4/1992/38), that the Convention had so far been signed by only two countries, and a human rights fact sheet on the situation of migrant workers and their families was to be prepared in order to promote greater awareness of it. It was also planned to draw attention to the Convention in the context of country projects organized through the advisory services and technical assistance programme. The Convention should enter into force as soon as possible so that the situation of migrant workers and their families could be improved and their fundamental rights, namely, the rights to life and to work in dignity and equality, could be respected.

ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS (agenda item 19) (continued) (E/CN.4/1992/49, 50 and Add.1, 51 and 69; E/CN.4/1992/NGO/20 and 36)

34. Mr. RODRIGUEZ ALPIZAR (Costa Rica) noted with regret that, according to Mr. Volio-Jiménez's latest report on the human rights situation in Equatorial Guinea (E/CN.4/1992/51), no progress had been made in that country. Everything indicated a lack of political will genuinely to establish the rule of law, since the democratic reforms announced by the present authorities had never been applied. In point of fact, the machinery set up by President Obiang to provide a semblance of credibility for his democratization promises was simply a facade behind which he had set about eliminating various opposition groups or leaders. The few measures adopted by the authorities were inadequate and did not correspond to their main objective, which was to ensure progress towards a democratic and multiparty system that would ensure respect for the dignity of the individual. In practice, arbitrary detention and torture in prisons had continued unchecked, the right to freedom of opinion or religion was not respected, the independence of the judiciary was a myth, law and order and internal security were the responsibility of the army which committed serious violations of the most elementary rights, the right to habeas corpus or amparo was not guaranteed, the cult of personality in the person of President Obiang had attained dangerous levels, and corruption was widely practised with the tacit consent of all the authorities.

35. His delegation wholeheartedly supported the Special Rapporteur's conclusions. It was vital that the Government of Equatorial Guinea should apply the new plan of action proposed by Mr. Volio-Jiménez to demonstrate its will to put an end to the country's alarming situation if it did not wish the international community to adopt more radical measures against it. The international community must also take concerted action to bring about a real change in the human rights situation in Equatorial Guinea, and the Commission on Human Rights should accord high priority to that question. His delegation considered that the Special Rapporteur's mandate should be modified, since it was no longer possible to remain indifferent to systematic and continuing violations of human rights in that country.

36. Mr. DOBREV (Bulgaria) said that the programme of advisory services and technical assistance in the field of human rights was of particular importance at the present time since a number of countries, including Bulgaria, which were in a democratic transition period needed the assistance of experts to carry out legislative reforms and train the key personnel necessary for the

effective utilization of human rights in accordance with international standards. Advisory services were also an integral part of international cooperation, helped to strengthen confidence between peoples and States and promoted exchanges of human values. The Secretary-General's interesting and detailed report on the subject (E/CN.4/1992/49) revealed that the Centre for Human Rights was playing an extremely valuable role in the attainment of those objectives and indicated that the number of countries, one of which was Bulgaria, receiving advisory and technical assistance was growing.

37. In 1991, for example, the Centre had organized a conference on human rights and the elaboration of constitutional and legislative provisions in Sofia, as well as a Seminar on the legal aspects of the refugee problem in collaboration with the Bulgarian authorities and the United Nations High Commissioner for Refugees (UNHCR). Bulgarian experts had also participated in seminars on various aspects of human rights organized by the Centre in other countries. Moreover, in June 1991, his Government and Mr. Martenson also signed a technical cooperation agreement with a view to the publication in Bulgarian of a collection of international instruments and a handbook for the teaching of human rights in schools. Moreover, since the end of 1991, Bulgarian television had produced and broadcast a number of programmes on the activities and functioning of the Centre and various United Nations organs dealing with human rights, as well as on the preparations being made for the World Conference. The keen interest aroused by those programmes revealed the undeniable success of cooperation with the Centre which should continue on topics connected with the Conference itself.

38. Bulgaria also supported the idea of establishing national human rights documentation and training centres in various countries and had already indicated that it was prepared to have an office of the Centre for Human Rights opened in Sofia. It supported the Centre's efforts to increase the effectiveness of fellowship and training programmes which had proved their worth, particularly for countries where the introduction of legislative reforms required the assistance of experts. The Centre's assistance to countries could also have a very positive impact on the quality of the periodic reports prepared and submitted by Governments to United Nations monitoring bodies, as Bulgaria itself had realized. His delegation also emphasized the value of the advisory services programme aimed at including human rights teaching in school curricula. It welcomed the Centre's efforts to prepare, in cooperation with UNESCO, a handbook on the teaching of human rights to be used in higher education and noted that, since November 1991, optional human rights courses, in which increasing interest was being shown, were offered at the University of Sofia.

39. His delegation therefore associated itself with all those who had emphasized the need to increase the financial and human resources available to the Centre for Human Rights. It was convinced that cooperation in human rights matters, which was well illustrated by the success of the advisory services, would stimulate the democratization process taking place in various regions of the world to the greatest extent possible.

40. Mr. NORTHERN (United States of America) said that although it was clear that there could be no compromise as far as human rights violations were concerned, the United States Government understood the difficulties faced by

many countries and was therefore prepared to help those Governments committed to human rights to move ahead. The cold war was over, the ideological wall between East and West had crumbled and would not be replaced by another between North and South. The real division in the world today was between those committed to democracy and liberty and those who were not. That was a fact, however much it might be deplored by dictators and tyrants. All those who would be counted among the ranks of the free and democratic countries and who earnestly sought to implement the principles contained in the Universal Declaration could be assured of the cooperation of the United States, which was already actively supporting nascent democracies that had emerged in regions where few had thought it possible just a few years previously. The democratic revolution that had swept the world from Eastern Europe and the former Soviet Union to Latin America and Africa, where many dictatorships had been replaced by democratic regimes determined to respect human rights, would continue. It was for the Commission to contribute to the success of that revolution not only by calling to account those who would resist the tide but also by affirmatively helping those riding the crest of the wave.

41. The Centre for Human Rights could, through its programme of advisory services and technical cooperation in the field of human rights, play a vital role in that respect, and the United States therefore strongly supported its efforts to assist the new democracies. If it was to be able to satisfy their requirements, it would undoubtedly need additional resources and in the view of his delegation, that need could best be met by the Commission's reallocating resources from low-priority activities and eliminating waste in its expenditures across the board. The Centre's advisory services should also be used for the purposes for which they had been intended when they were introduced. They should not be used as a cover for human rights violators seeking to avoid stronger action by the Commission, nor should they be provided to countries that had not made a basic commitment to human rights. They should be used only to assist the new Governments of countries that had experienced serious human rights violations in the past in taking remedial measures to implement or restore human rights. It was clear that the nascent democracies needed help in creating not only a democratic infrastructure but also a democratic culture because, in the final analysis, no democracy would long survive unless human rights principles were institutionalized, and unless democracy became a way of life that the vast majority of a nation's citizens understood and subscribed to. Yet there should be no underestimating the difficulty or dangers of the task ahead that was faced by human rights defenders throughout the world and by the Centre for Human Rights because, although democracy and liberty were marked trends in the world, they were not yet a reality for well over 1 billion human beings.

42. Mr. BAUM (Germany) said that his country was one of the co-sponsors of a draft resolution entitled "Advisory services and Voluntary Fund for Technical Cooperation in the Field of Human Rights" (E/CN.4/1992/L.83) that would be voted on at the present session.

43. Activities under the programme of advisory services financed from the regular budget of the United Nations and those financed from the Voluntary Fund were closely linked. Both programmes had the same goal which was clearly stated in Articles 55 and 56 of the Charter of the United Nations that called upon Member States to take joint and separate action in cooperation with the

United Nations to promote universal respect for and observance of human rights and fundamental freedoms. It was above all for the Government of each country to ensure that those goals were attained. But the United Nations and its competent bodies, such as the Centre for Human Rights, should always be prepared to help Governments in the effective application of international human rights standards as well as in the establishment and development of national infrastructures for the promotion and protection of such standards.

44. One of the main principles behind the programme of advisory services was that they should be provided only on the express request of a Government. The increasing number of such requests clearly indicated that many Governments had come to realize the value of the programme. They included many countries in the process of making a difficult transition from authoritarian regimes to democratic structures. His Government was particularly pleased in that connection to note the Centre's involvement in the countries of Central and Eastern Europe. The Centre, just like the Governments concerned, should heed the recommendations and suggestions of competent United Nations bodies responsible for assisting Governments to comply with their obligations under international human rights instruments. Similarly, the committees set up under various human rights convenants and conventions, as well as the special rapporteurs, representatives and working groups of the Commission on Human Rights should not only have the expertise but also the obligation to inform and advise Governments in that context. However, the main responsibility lay with the Centre for Human Rights. It had to serve as a focal point and a clearing-house for all requests from Governments, as well as for coordination with other organizations of the United Nations system. It should also be in a position to determine whether a request fell under the category of programmes to be financed under the regular budget of the United Nations or under the Voluntary Fund. In that respect a clear distinction had be made between two types of activities: first, stand-alone programmes such as individual seminars, training courses and scholarships for appropriate government personnel, expert advice concerning the national implementation of international human rights instruments or the drafting of constitutions and other national legal texts should be financed from the regular budget; and secondly, activities of a comprehensive character and especially those encompassing a country as a whole should be financed from the Voluntary Fund. Such larger-scale programmes should primarily be aimed at building up or strengthening national and regional human rights institutions and infrastructures.

45. His Government welcomed the establishment of the Unit for Technical Cooperation in the Centre. However, even after being strengthened in that way, it was clear that the Centre would not be able to respond favourably to all requests by itself. Cooperation between the Centre and other competent United Nations organs must therefore be increased. The protection and promotion of human rights had to be acknowledged as a major goal of the United Nations as a whole and could not be restricted by the limited capacities and means available to the Centre for Human Rights.

46. Furthermore, an important role had to be played by bilateral cooperation. His Government, for example, had decided only a few weeks previously to make available DM 18 million to finance programmes aimed at

furthering democratization processes in developing countries. The Centre for Human Rights could do important work in informing Governments of such possibilities under national programmes, and its activities under the Voluntary Fund could be used as an appropriate channel for the preparation and implementation of suitable projects. The German Government for its part was prepared to enter into consultations with interested Governments as well as with the Centre on the possibilities in that respect. It would also make a serious effort substantially to increase its contribution to the Voluntary Fund, but in that case it would have to be convinced that the structures and working methods of the Centre were both efficient and flexible.

47. Mr. WOLTERS (Netherlands) said that although many activities had been carried out under the programme of advisory services in the field of human rights since its introduction in 1953, the resources available for that purpose had always been limited. The impressive increase during the past few years in the number of international human rights instruments emphasized the need to establish and strengthen national and regional institutions responsible for promoting and protecting those rights. That was why his Government had supported the establishment in 1987 of a Voluntary Fund for Technical Cooperation which was to provide additional financial resources and to which it had since contributed, mostly directly. The advisory services programme would, in his view, be of great importance in future, since the implementation of international human rights standards at time of rapid political changes called for coordinated and sustained efforts; for that reason the programme could and should be improved. The number of activities financed from the regular budget and carried out under the programme was commendable, but priorities and objectives must be formulated more clearly. For example, what was the purpose of training courses, workshops and seminars, and at whom were they targeted? Were those who were trained responsible at the national level for the implementation of human rights instruments or the preparation of reports required by various treaty bodies? What procedures were used to secure the expertise for such courses and workshops? He considered that the Centre's staff should in principle be involved in the preparation and coordination of activities and not in their implementation, which should be left to trainers and teachers selected by the Centre from among experts or outside consultants. Moreover, there was a need for a more thorough evaluation of such activities. It should become routine that, after every activity, the target set for it and the actual results achieved should be compared so that the conclusions drawn could be used in the preparation of future activities.

48. With respect to the Voluntary Fund, he recalled that it had been created to finance activities under a global advisory services programme, namely, to help States in the implementation of human rights standards, to help strengthen democracy and promote development, to provide long-term remedies for existing shortcomings, and to help prevent situations that led to human rights violations. It was clear that there was a grey area between advisory services under the regular budget and those financed from the Voluntary Fund. A clear distinction should, however, be made on the basis of the respective objectives of those two types of programme, and the practice of financing from the Fund activities that were essentially regular budget activities should be ended.

49. His delegation welcomed the establishment by the Under-Secretary-General of a special Unit for the management of projects financed by the Voluntary Fund; it considered however that further improvement, such as the adoption of transparent appraisal procedures, would be desirable. It realized that until recently the Centre had had to cope with problems of human resources and therefore welcomed the appointment of the head of the Technical Cooperation Unit, whose presence would be a first step in the direction of an improved technical cooperation programme in the field of human rights. It was also pleased to note that the Centre worked with project formulation guidelines that were based on those of UNDP.

50. Other improvements were also possible. The growing number of requests for assistance from the Fund and its limited resources made it urgent to determine, on the basis of more precise criteria, the relative importance of the programmes requested. His delegation had read with interest in the Secretary-General's report on the question (E/CN.4/1992/49) that the Technical Cooperation Unit had embarked upon a streamlining of project management procedures. It hoped that members of the Commission would be informed of the results of that exercise at its next session. There was a clear need for a regular independent evaluation of the programme. The Voluntary Fund had been established five years previously and the time had possibly come for the evaluation not only of individual programmes but also of the programme as a whole. Had the assumptions on which the programme had been established been confirmed? What exactly was the role of the Fund? - Did it concentrate, as it should, on activities that could not be carried out under bilateral assistance programmes? If it was used to finance the same activities as those carried out under bilateral programmes, was it because the activities undertaken through the United Nations system were more efficient or had more impact and a greater symbolic value? A positive sign in that respect was that treaty bodies, as well as experts and rapporteurs, were to a greater extent advising the Centre on the need for activities in the field of advisory services and also on the results of their implementation. The Centre should be encouraged to take such information into account in the design of future activities.

51. Mr. PINTER (Czech and Slovak Federal Republic) said that the programme of advisory services in the field of human rights and the Voluntary Fund for Technical Cooperation made it possible to provide vital assistance to developing countries, as well as to countries like his own which were making the difficult transition from a totalitarian system to democracy. He thanked the Secretary-General for his valuable and detailed report (E/CN.4/1992/49), expressed appreciation of the role played by the Centre for Human Rights in the coordination of activities and hoped that the establishment of the Technical Cooperation Unit would make them even more effective. He also emphasized the need to coordinate the Centre's activities with those of other bodies, both inside and outside the United Nations system.

52. The three categories of activities financed under the regular budget, namely, seminars, workshops and training courses, as well as fellowships and advisory services of experts, were very important since many countries used such services for the purpose of drafting basic legal texts in conformity with international human rights conventions or for the preparation of democratic elections. His country had benefited from fellowship programmes in 1989 and 1990 and hoped that its young experts would be able to participate

in that programme once again in the very near future. His delegation thanked the governmental and non-governmental organizations that had supported the Voluntary Fund, for without their contributions it would have been impossible to carry out projects that had already enabled the citizens of many countries to acquaint themselves with basic human rights standards. The creation and strengthening of national and regional institutions for the promotion and protection of human rights, for which the Fund had mainly been created, were at the present time of crucial importance to his country. For that reason, his delegation felt it was necessary to increase the resources, human as well as financial, available to the Centre for Human Rights in connection with the provision of advisory services.

53. His delegation wished to thank the Centre for Human Rights and the Spanish Government for organizing, in Barcelona in January 1992, the European Conference on International Human Rights Standards for the countries participating in the Conference on Security and Cooperation in Europe. It was also grateful to the Centre and the Netherlands Government for the interest they had shown in his country's request for the establishment of a national documentation and training centre in Bratislava.

54. Mr. RAMISHVILI (Russian Federation) noted that an increasing number of Governments were taking advantage of the Centre's programmes of advisory services and technical cooperation in order to improve their legislation and the foundations of the rule of law and democracy in their respective countries. His delegation considered that those services constituted one of the most important activities not only of the Centre but also of the United Nations in general. The attitude of Governments to such services was a yardstick that could be used to measure their determination to embark upon the road to democracy. For that reason, those services should be expanded and made more efficient, and consequently the Centre's human and financial resources strengthened, particularly during the period of preparation for the World Conference on Human Rights. It would be a sin to cut corners at the expense of human rights, since the Centre's advisory services benefited all States. In that connection, the Voluntary Fund represented an important stimulus. His delegation hoped it would be possible, through that Fund, to provide a large number of the services, advice and recommendations that many countries and particularly the Russian Federation needed in order to consolidate their democratic foundations. His country was prepared to increase its cooperation with the Centre to that end.

55. Mr. ARTEAGA (Venezuela) said that advisory services in the field of human rights were an essential aspect of international cooperation. They helped Governments to improve the functioning and the activities of their national bodies responsible for the protection of human rights, as well as democratic countries experiencing serious institutional and material shortcomings. Such was the case of Guatemala, which had been a democratic country for barely seven years and which was still experiencing the effects of the previous dictatorship and the continuation of a domestic armed conflict. As indicated in the report prepared by the independent expert, Mr. Christian Tomuschat (E/CN.4/1992/5), negotiations between the Government and the National Guatemalan Revolutionary Union (Unidad revolucionaria nacional guatemalteca) since the conclusion of the Oslo Agreement in 1990 had resulted in a certain amount of progress but had not made it possible to lay sound foundations for a

peace agreement. His Government was aware that the human rights situation in Guatemala remained a source of concern. President Serrano had clearly stated that he disapproved of violence as a means of achieving political objectives and had taken a number of steps to protect human rights, but he was finding it very difficult to mobilize the resources necessary for the effective implementation of a policy ensuring respect for human rights and to obtain the wholehearted support of various State agencies. The Commission should therefore continue its cooperation with the Guatemalan people and Government in order to assist that country - by providing advisory services in the field of human rights - to find the most appropriate means of effectively guaranteeing respect for those rights. It could be assumed that the Guatemalan Government would continue to do its best to attain that objective and to assist the independent expert in his work.

56. For historical and geographical reasons, Venezuela maintained close relations of cooperation and friendship with Haiti. His Government was therefore following with great concern the events that had occurred in that country since the interruption of the democratic process. The report on the human rights situation in Haiti (E/CN.4/1992/50) prepared by the independent expert Mr. Bruni Celli indicated that the situation was alarming. The coup d'état against President Aristide had been condemned by the international community. Venezuela was contributing actively to the efforts being made at the regional and extraregional levels to restore the legitimate authorities to the exercise of power and to put the democratic process back on track. The serious violations of human rights that were taking place in Haiti, the prevailing situation of insecurity and terror, and the economic and social crisis being experienced by the Haitian people had given rise to a massive exodus. His delegation wished to thank UNHCR for what it had done for Haitians fleeing their country. The Commission should therefore continue to follow very closely political and social developments in Haiti and appoint a special rapporteur to submit a report under agenda item 12. Venezuela endorsed the independent expert's recommendation that, when national and international circumstances allowed, the Commission should request international agencies to provide Haiti with the necessary technical and financial assistance to develop the institutions and programmes to which improvement of the human rights situation in the country was linked. After listening to President Aristide's statement to the Commission, his delegation had every hope that the agreement concluded in Washington would result in President Aristide's rapid return to his country.

57. In conclusion, his delegation expressed its gratitude to the Centre for Human Rights for its intensive and fruitful activities and noted specifically that it had organized, in cooperation with the Venezuelan Government in June 1991 at Caracas, a first national training course on the application of United Nations machinery and procedures in the field of human rights, including humanitarian law.

58. Mr. Ennaceur (Tunisia) took the Chair.

59. Mr. GRILLO (Colombia) said that Colombia had, on its own initiative, requested advisory services in the field of human rights since it was convinced that that form of international cooperation was extremely valuable. The agreement concluded between the Colombian Government and the Centre for Human Rights had resulted in the formulation of a two-year programme dealing

in particular with the training of officials responsible for defence, the protection and promotion of human rights, the strengthening of machinery for the protection of human rights and analysis of the human rights situation in the country. Under that programme, the Centre had financed training fellowships for officials, provided bibliographical material for a future human rights information centre and organized seminars with trainers, trade unionists and members of the public at large. Experts had also contributed their knowledge, in particular in connection with the task of strengthening the judiciary and the procedures to be applied in cases of enforced or involuntary disappearances.

60. An expert from the Centre had evaluated the results of activities carried out in cooperation with the advisory services and had concluded that the exercise had been very valuable not only for the Colombian Government but also for the Centre for Human Rights. His Government had, with the support of the advisory services, taken a series of general steps to promote human rights, some of which were of a constitutional nature and concerned the prohibition of torture and other cruel, inhuman or degrading treatment, the remedy of habeas corpus, the prohibition for military tribunals to try civilians, and the modification of provisions concerning the state of emergency. A constitutional agency (the Defensoría del Pueblo) had also been created and would be specifically responsible for defending, protecting and promoting human rights in the country. Valuable assistance had been provided under the advisory services and the Colombian Government was convinced that that form of cooperation was the most suitable way of assisting States in creating conditions favourable for the realization of human rights. His delegation therefore thanked the Centre for Human Rights and the United Nations Development Programme for their cooperation. Since it felt that Colombian institutions had now been consolidated, it would refrain, for the moment, from requesting the elaboration of new advisory services programmes.

61. Generally speaking, it would be desirable to evaluate advisory services in order to adapt them better to the requirements and specificity of States. Programmes of action should also be drawn up on the basis of a previously established order of priorities. The Centre's activities had increased considerably since the creation of the Voluntary Fund and the donor countries were to be thanked; however, it would be well if the action taken by the Centre under the advisory services heading as well as the management of activities financed under the regular budget or by the Fund were based on specific criteria. Moreover, the Centre could use regional experts in defining priorities and refining its policy. Lastly, in order to enable all countries wishing to do so to request the Centre's services themselves, information should be provided on the criteria used by the Centre and the programmes it proposed, and exchanges and contacts increased between the Centre and Governments so that United Nations activities in the field of human rights could be essentially geared to cooperation. It was in that spirit that his delegation recommended that a general and comprehensive evaluation of advisory services should be carried out at the World Conference on Human Rights.

62. Mr. PIRIZ BALLON (Uruguay) said that, for the first time since the end of the dictatorship in 1984, Uruguay was once again a full member of the Commission. The country's unhappy experience, despite its legalistic and

democratic tradition, had given rise to considerable thinking about ways of protecting human rights, and had convinced the Uruguayan authorities that the defence of human rights implied cooperation between States which were becoming increasingly interdependent, as well as respect for international legal obligations. For the international protection of human rights was part and parcel of jus cogens, and the States parties to international human rights instruments could not shirk their obligations. The concept of national sovereignty could not be invoked to evade the application of monitoring machinery that had been freely accepted. States could not ignore the increasing number of bodies with jurisdiction or virtual jurisdiction to ensure the protection of human rights at the international level. For that reason it would be most desirable if, on the basis of recognition of the fact that international law had precedence over domestic law, the World Conference on Human Rights were to determine the most appropriate ways of ensuring better protection of human rights.

63. As for the Commission, although it was not a body with specific jurisdiction it was nevertheless a forum for discussion where human rights violations were denounced. With various kinds of monitoring machinery at its disposal, it possessed considerable means of conducting investigations in countries and bringing pressure to bear on Governments, often through public opinion. It could also take effective action by using the technical assistance of the Centre for Human Rights, working groups and independent experts; such procedures were particularly useful and welcome in two types of situation. First, in respect of regimes under which human rights were being flouted but which, being concerned about their image, did not wish to give the impression that they were yielding to pressure by the international community, and secondly in respect of well-intentioned regimes whose freedom of action was restricted by political and social shortcomings. Advisory services not only performed a practical function in providing support and assistance but also helped to disseminate information and arouse awareness, since they made people familiar with human rights matters and helped to create a universal human rights conscience. Moreover, they could identify the political, social or material factors that hampered respect for those rights in various countries. They could, for example, make it possible to determine how indigence and the shortcomings of judicial bodies affected the administration of justice. The evaluation of situations offered means of determining needs accurately and requesting material or financial assistance at the bilateral or multilateral level. Moreover, in view of the importance of technical assistance, his delegation welcomed the Commission's adoption at its previous session of resolution 1991/50 on advisory services in the field of human rights, as well as resolution 1991/49 on the Voluntary Fund for Technical Cooperation in the Field of Human Rights.

64. Cooperation between countries and international bodies should be based on objectivity, transparency and non-selectivity, as well as on the basic principle of the sovereign equality of States. The protection of human rights implied a universalist and egalitarian approach as the only way of promoting civil, political, economic, social and cultural rights and taking into account specific national characteristics.